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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Stephan Hartwig

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BANNER & WITCOFF

1001 G STREET N W

SUITE 1100

WASHINGTON, DC 20001

EXAMINER

SHANG, ANNAN Q

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/956,910

Applicant(s)

HARTWIG ET AL.

Examiner

Annan Q. Shang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-105 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-105 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 10-17, 22-25, 29-32, 37-40, 45-49, 54-59, 64-70, 75-82, 93-105 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ellis et al (2005/0028208)** in view of **Bednarek et al (6,009,116)**.

As to claims 1-4, note the **Ellis** reference figures 1-2a-d, discloses interactive television program guide (ITV-PG) with remote access and further discloses a method to inhibit functions of a first mobile terminal (ITV-PG Equipment 'ITV-PGE' 17 or User-TVE-22, 'TVR-17/22' page 4, [0067-0068]) by using a second mobile remote control means (Remote Program Guide Device 'R-PGD' 24, page 7, [0092-0094]) both comprise a wireless interface (Communications Device 'CD' 27 'fig.2b and CD-58, 'fig.5,' page 5, [0076-0077]), the first mobile terminal (TVR-17/22) having a plurality of functions which are controlled by a controller (TVR-17/22 Processor), the method comprising:

Authenticating of the second mobile terminal with the first mobile terminal (TVR-17/22 Processor and R-PGD-24 processor communicates various control settings including parental control settings between each other, wirelessly via cellular network and other wireless networks to enable the devices to receive interactive TV programs,

including games, shopping, various internet services, etc., (page 5, page 3, [0029], [0071-0072], page 7, [0090], page 8, [0097-0099], [0120-0121]);

Transmitting inhibit rule data (various control settings including PG-parental control settings) from the second mobile "a client" (R-PGD-24) to the first mobile terminal "a content server" (TVR-17/22, page 8, [0099-0102]) via wireless interfaces (CDs 27/58), note that TVR-17/22 is a server and also a client;

Inhibiting certain functions of the second mobile terminal according to the transmitted inhibit rule data so that the functions are no longer operable by the controller (TVR-17/22 Processor, page 5, [0071-0072], page 8, [0099-0102], [0103], [0107]), note TVR-17/22 Processor and R-PGD-24 processor communicates various control settings including parental control settings between each other to enable the devices to perform certain functions based on the controlled settings or commands.

Ellis further teaches a wireless interface, which includes cellular modem, etc., between the devices (TVR-17/22 and R-PGD-24, page 6, [0086-0088] and page 7, [0093-0095]), but fails to explicitly teach where TVR-22 is a mobile device.

However, note the **Bednarek** reference figures 1-2, discloses a mobile GPS TV STB, which can receive signals irrespective of its location(s) (figs.1-5 and col.7, lines 43-65 and col.9, lines 5-33).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Bednarek into the system of Ellis to provide another mobile terminal, irrespective of the location, to communicate control functions to other mobile terminal(s) or to each other mobile terminal.

As to claim 5, Ellis further discloses where the content server uses HTML, XHTML, XML or WML (page 7, [0094-0095] and [0105]).

Claim 8 is met as previously discussed with respect to claims 1-4.

Claim 10 is met as previously discussed with respect to claims 1-4.

Claims 11-16 are met as previously discussed with respect to claims 1-4.

Claim 17 is met as previously discussed with respect to claims 5.

Claims 22-45 are met as previously discussed with respect to claims 1-4.

Claims 46-55 are met as previously discussed with respect to claims 1-4.

Claims 56-66 are met as previously discussed with respect to claims 1-4.

Claims 67-78 are met as previously discussed with respect to claims 1-4.

Claims 79-71 are met as previously discussed with respect to claims 1-4.

Claims 93-102 are met as previously discussed with respect to claims 1-4.

As to claims 103-105, the claimed "A first mobile terminal configured to perform functions..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-4.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 18-21, 26-28, 33-36, 41-44, 50-53, 60-63 71-74, 83-86 and 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ellis et al (2005/0028208)** in view of **Bednarek et al (6,009,116)** as applied to claims 1, 2, 3, 4 and 5 above, and in view of **Itabashi et al (6,824,048)**.

As to claims 6, 18-21, 26-28, 33-36, 41-44, 50-53, 60-63 71-74 and 83-86, various claims involves where the wireless interface is Bluetooth interface, although Ellis as modified by Bednarek teach a wireless interface for communication, Ellis is silent to the use of Bluetooth interface for communication

However, in the same field of endeavor, **Itabashi** teaches an information transmission system and method and uses a Bluetooth interface to communicated individual identification information between a user portable device, such as a mobile telephone and a communication device and using key (figs.1-5 and col.3, line 63-col.4, line 54, col.5, line 34-col.6, line 12 and col.7, line 4-col.8, line 28).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of **Itabashi** into the system of Ellis as modified by Bednarek to provide unlimited directivity in transmitting and receiving data and sounds between a transmitting side and a receiving side.

Response to Arguments

6. Applicant's arguments with respect to claims 1-105 have been considered but are moot in view of the new ground(s) of rejection. The amendment to all the

independent claims necessitated the new ground(s) of rejection discussed above. This office action is made final.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Allen (6,259,891) discloses adapter and method for use in a portable communication signal receiver system.

Rune (5,850,444) discloses method and apparatus for encrypting radio traffic in a telecommunications network.

Thibadeau et al (5,565,909) discloses method of identifying set-top receivers.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.



Annan Q. Shang



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